

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLEVELAND BROADNAX,	:	
	:	
Plaintiff,	:	
	:	21-cv-2926 (VSB)
-against-	:	
	:	<u>ORDER</u>
WARDEN MICHELLE HALLET, et al.,	:	
	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

Plaintiff filed the complaint in this action on April 5, 2021. (Doc. 2.) On October 1, 2021, the New York City Department of Correction filed a waiver of service of summons unexecuted for Defendants Hallet, Sanchez, Grant, Vincent, Sans, and Lubin. (Doc. 14.) The Department of Correction identified that Defendant Hallet was no longer an employee of the agency, there was no Deputy Sanchez at Anna M. Kross Center, there were no matches to Defendant Sans, and there was more than one Officer Grant, Vincent, and Lubin at Anna M. Kross Center. (*Id.*) On March 17, 2022, former Warden Hallet and the remaining defendants in this action filed an answer to the complaint. (Doc. 29.) On May 23, 2022, Plaintiff filed a letter stating that he intended to continue to litigate the action against the remaining unidentified Defendants and requested assistance identifying those Defendants. (Doc. 32.) Plaintiff offered additional information in his letter to identify and locate the Defendants who had not yet responded to the complaint. (*Id.*)

On May 24, 2022, pursuant to *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997), I ordered the City of New York and Correctional Health Services to ascertain the identities of the

unidentified Defendants and the addresses where those Defendants may be served. (Doc. 33.) I further ordered Defendants to provide this information to Plaintiff and for Plaintiff to file an amended complaint fully naming those Defendants, if not already named, within thirty days. (*Id.*) On July 25, 2022, Defendants submitted a letter informing me that they had identified and provided the relevant information to Plaintiff with regards to Defendants Grant, Vincent, and Lubin. (Doc. 37.) On October 3, 2022, Defendants submitted a letter informing me that they sent a letter to Plaintiff with the full names, shield numbers, and service addresses for Defendants Sanchez and Sands. (Doc. 45.) Defendants therefore have fully complied with my *Valentin* order. (Doc. 33.) Accordingly, it is hereby:

ORDERED that, on or before November 14, 2022, Plaintiff must file an amended complaint fully naming those Defendants, if not already named. The amended complaint will replace, not supplement, the original complaint. The Clerk of Court is respectfully directed to mail a copy of this Order to pro se Plaintiff.

SO ORDERED.

Dated: October 13, 2022
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first letter "V" is large and prominent, and the last letter "k" has a long, sweeping tail that extends to the right.

Vernon S. Broderick
United States District Judge